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STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Succession of States in respect of international human rights treaties

Report of the Secretary-General

Introduction

1. At its fifty-first session, the Commission adopted resolution 1995/18 of 24 February 1995, in which, having emphasized the special importance of the observance of universal norms and standards on human rights for the maintenance of stability and the rule of law in any State, it reiterated its call to successor States which had not yet done so to confirm to appropriate depositaries that they continued to be bound by obligations under international human rights treaties. The Commission also requested the human rights treaty bodies to consider further the continuing applicability of the respective international human rights treaties to successor States, with the aim of assisting them in meeting their obligations. Additionally, it requested the Secretary-General to encourage successor States to confirm their obligations under the international human rights treaties to which their predecessors were a party and to report to the Commission at its fifty-second session on action taken in that respect. The present report is prepared pursuant to that request.

Measures undertaken by various treaty bodies

Human Rights Committee

2. The Human Rights Committee, in its decision of 7 October 1992, emphasized that all the people within the territory of a new State that constituted a part of the former Yugoslavia were entitled to the guarantees of the Covenant.

3. Subsequently, the instrument of succession to the Covenant was received from Croatia on 12 October 1992, from Bosnia and Herzegovina on 1 September 1993 and from the former Yugoslav Republic of Macedonia on 18 January 1994. The instrument of succession to the Covenant of Slovenia had been received on 6 July 1992.

4. At its forty-seventh session (March/April 1993), the Committee stated that all the people within the territory of a former State party to the Covenant remained entitled to the guarantees of the Covenant and that, in particular, Armenia, Georgia, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan were bound by the obligations under the Covenant as from the date of their independence. Since the closure of the Committee's forty-seventh session, Armenia, Georgia and Kyrgyzstan have acceded to the Covenant.

5. At its fifty-fifth session (October/November 1995), the Human Rights Committee considered the part of the fourth periodic report of the United Kingdom of Great Britain and Northern Ireland relating to Hong Kong. In a statement annexed to its concluding observations, the Human Rights Committee took the view that human rights treaties devolve with territory, and that States continue to be bound by the obligations under the Covenant entered into by the predecessor State. Once the people living in a territory find themselves under the protection of the International Covenant on Civil and Political Rights, the Committee stated, such protection cannot be denied to them by virtue of the mere dismemberment of that territory or its coming within the jurisdiction of another State or of more than one State. The Committee further stated that the existence and contents of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, however, made it unnecessary for the Committee to rely solely on the foregoing jurisprudence as far as Hong Kong was concerned. In this regard, the Committee pointed out that the parties to the Joint Declaration had agreed that all provisions of the Covenant as applied to Hong Kong should remain in force after 1 July 1997. These provisions included reporting procedures under article 40. As the reporting requirements under article 40 of the International Covenant on Civil and Political Rights would continue to apply, the Human Rights Committee considered that it was competent to receive and review reports submitted in relation to Hong Kong. Accordingly, the Committee was ready to give effect to the intention of the parties to the Joint Declaration as far as Hong Kong was concerned, and to cooperate fully with the parties of the Joint Declaration to work out the necessary modalities to achieve these objectives.

Committee on the Elimination of Racial Discrimination

6. At its forty-second session (March 1993), the Committee on the Elimination of Racial Discrimination adopted General Recommendation XII (42), in which it encouraged successor States that had not yet done so to confirm to the Secretary-General, as depositary of the International Convention on the Elimination of All Forms of Racial Discrimination, that they continued to be bound by obligations under that Convention, if predecessor States had been parties to it. The Committee, in the same recommendation, also invited successor States to accede to the Convention if predecessor States had not been parties to it.

7. On 25 May 1994, the Committee sent a communication to those States of the former Soviet Union which had not yet declared their adherence or succession to the Convention, recalling that the Union of Soviet Socialist Republics had been a State party to the Convention and that consequently the protection against racial discrimination had extended prior to the latter's dissolution to the inhabitants of the territory of the successor States. Following the transmittal of that communication, the Secretary-General received the instrument of accession of Turkmenistan on 29 September 1994, of Tajikistan on 11 May 1995 and of Uzbekistan on 28 September 1995.

Meeting of persons chairing the human rights treaty bodies

8. During the fifth meeting of persons chairing the human rights treaty bodies, which was held from 19 to 23 September 1994, the question of State succession was discussed. The chairpersons urged all successor States that had not yet done so to confirm as soon as possible their succession to those treaties. They also welcomed the initiatives taken by some of the treaty bodies to bring this matter to the urgent attention of successor States and encouraged the other treaty bodies to take similar initiatives. The chairpersons emphasized, however, that they were of the view that successor States were automatically bound by obligations under international human rights instruments from the respective date of independence and that observance of the obligations should not depend on a declaration of confirmation made by the Government of the successor State.

Action taken by the Secretary-General

9. In compliance with paragraph 4 of Commission on Human Rights resolution 1995/18, the Secretary-General has sent notes to those successor States which have not yet adhered to all principal human rights instruments to which the former State had been party. In this note, the Secretary-General drew attention to the resolution and encouraged the States to adhere speedily to the remaining instruments. Such replies as the Secretary-General may receive to his note will be issued as an addendum to the present report.

10. In September 1994, the Secretary-General sent personal letters to heads of State and Government to ask for adherence to all those principal human rights instruments to which their countries were not yet party. He and the High Commissioner for Human Rights continue to follow up this action, in the course of their contacts with Governments, by drawing the attention of States to those instruments which have not yet been ratified or otherwise adhered to.

During 1996 the Secretary-General, in implementing a recommendation of the World Conference on Human Rights (as approved by the General Assembly in resolution 48/121 of 20 December 1993), will convene two regional meetings to promote universal ratification of international human rights instruments. A number of successor States will be among those invited to participate.

11. The status of succession, accession or ratification of human rights treaties by the new States successors to the former Yugoslavia, the former Soviet Union and the former Czechoslovakia is shown in the annex to this report.

Annex

STATUS OF SUCCESSION, ACCESSION OR RATIFICATION OF HUMAN RIGHTS TREATIES BY STATES SUCCESSORS TO THE FORMER YUGOSLAVIA, THE FORMER SOVIET UNION AND THE FORMER CZECHOSLOVAKIA

1. International Covenant on Civil and Political Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	12 October 1992 [b]
Slovenia	6 July 1992 [b]
The former Yugoslav Republic of Macedonia	18 January 1994 [b]
Yugoslavia	2 June 1971
Armenia	23 June 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	12 November 1973
Georgia	3 May 1994 [a]
Kazakstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	12 November 1973
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

2. First Optional Protocol to the International Covenant on Civil and Political Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	1 March 1995
Croatia	-
Slovenia	16 July 1993 [a]

The former Yugoslav Republic of Macedonia	12 December 1994
Yugoslavia	-
Armenia	23 June 1993
Azerbaijan	13 August 1992 [a]
Belarus	30 September 1992 [a]
Georgia	3 May 1994 [a]
Kazakstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	22 June 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	-
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	25 July 1991 [a]
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

3. Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

	Date of receipt of the instruments
Bosnia and Herzegovina	-
Croatia	-
Slovenia	10 July 1994
The former Yugoslav Republic of Macedonia	26 January 1995 [a]
Yugoslavia	-
Armenia	-
Azerbaijan	-
Belarus	-
Georgia	-
Kazakstan	-
Kyrgyzstan	-
Estonia	-
Latvia	-
Lithuania	-
Republic of Moldova	-
Russian Federation	-
Tajikistan	-

Turkmenistan	-
Ukraine	-
Uzbekistan	-
Czech Republic	-
Slovakia	-

4. States which have made the declaration under article 41 of the International Covenant on Civil and Political Rights

	Valid from	Valid until
Bosnia and Herzegovina	6 March 1992	indefinitely
Croatia	12 October 1995	indefinitely
Slovenia	6 July 1992	indefinitely
The former Yugoslav Republic of Macedonia	-	-
Yugoslavia	-	-
Armenia	-	-
Azerbaijan	-	-
Belarus	30 September 1992	indefinitely
Georgia	-	-
Kazakstan	-	-
Kyrgyzstan	-	-
Estonia	-	-
Latvia	-	-
Lithuania	-	-
Republic of Moldova	-	-
Russian Federation	1 October 1991	indefinitely
Tajikistan	-	-
Turkmenistan	-	-
Ukraine	28 July 1992	-
Uzbekistan	-	-
Czech Republic	1 January 1993	indefinitely
Slovakia	1 January 1993	indefinitely

5. International Convention on the Elimination of All Forms of Racial Discrimination

	Date of receipt of the instruments
Bosnia and Herzegovina	16 July 1993 [5]
Croatia	12 October 1992 [5]

Slovenia	6 July 1992 [5]
The former Yugoslav Republic of Macedonia	18 January 1994 [5]
Yugoslavia	2 October 1967
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	8 April 1969
Georgia	-
Kazakstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	4 February 1969
Tajikistan	11 January 1995 [a]
Turkmenistan	29 September 1994 [a]
Ukraine	7 March 1969
Uzbekistan	28 September 1995 [a]
Czech Republic	22 February 1993 [5]
Slovakia	28 May 1993 [5]

6. States parties that have made the declaration under article 14, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination

	Date of deposit of the declaration
Bosnia and Herzegovina	-
Croatia	-
Slovenia	-
The former Yugoslav Republic of Macedonia	-
Yugoslavia	-
Armenia	-
Azerbaijan	-
Belarus	-
Georgia	-
Kazakstan	-
Kyrgyzstan	-
Estonia	-

Latvia	-
Lithuania	-
Republic of Moldova	-
Russian Federation	1 October 1991
Tajikistan	-
Turkmenistan	-
Ukraine	28 July 1992
Uzbekistan	-
Czech Republic	-
Slovakia	17 March 1995

7. International Covenant on Economic, Social and Cultural Rights

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [5]
Croatia	12 October 1992 [5]
Slovenia	6 July 1992 [5]
The former Yugoslav Republic of Macedonia	18 January 1994 [5]
Yugoslavia	2 June 1971
Armenia	13 September 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	12 November 1973
Georgia	3 May 1994 [a]
Kazakstan	-
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	20 November 1991 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 October 1973
Tajikistan	-
Turkmenistan	-
Ukraine	12 November 1973
Uzbekistan	-
Czech Republic	22 February 1993 [5]
Slovakia	28 May 1993 [5]

8. Convention on the Elimination of All Forms of Discrimination against Women

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	9 September 1992 [b]
Slovenia	6 July 1992 [b]
The former Yugoslav Republic of Macedonia	18 January 1994 [b]
Yugoslavia	26 February 1982
Armenia	13 September 1993 [a]
Azerbaijan	-
Belarus	4 February 1981
Georgia	26 October 1994 [a]
Kazakstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	18 January 1994 [a]
Republic of Moldova	1 July 1994 [a]
Russian Federation	23 January 1981
Tajikistan	26 October 1993 [a]
Turkmenistan	-
Ukraine	12 March 1981
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	12 October 1992 [b]
Slovenia	16 July 1993 [b]
The former Yugoslav Republic of Macedonia	12 December 1994 [b]
Yugoslavia	10 September 1991
Armenia	13 September 1993 [a]
Azerbaijan	-

Belarus	13 March 1987
Georgia	26 October 1994 [a]
Kazakstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	3 March 1987
Tajikistan	-
Turkmenistan	-
Ukraine	24 February 1987
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

10. Convention on the Rights of the Child

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	6 July 1992
The former Yugoslav Republic of Macedonia	2 December 1993 [s]
Yugoslavia	3 January 1991
Armenia	23 June 1993 [a]
Azerbaijan	13 August 1992 [a]
Belarus	1 October 1990
Georgia	2 June 1994 [a]
Kazakstan	12 August 1994 [a]
Kyrgyzstan	7 October 1994 [a]
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	31 January 1992 [a]
Republic of Moldova	26 January 1993 [a]
Russian Federation	16 August 1990
Tajikistan	26 October 1993 [a]
Turkmenistan	20 September 1993 [a]
Ukraine	28 August 1991
Uzbekistan	29 June 1994 [a]

Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

11. Convention on the Prevention and Punishment of the Crime of Genocide

	Date of receipt of the instruments
Bosnia and Herzegovina	29 December 1992 [b]
Croatia	12 October 1992 [b]
Slovenia	6 July 1992 [b]
The former Yugoslav Republic of Macedonia	18 January 1994 [b]
Yugoslavia	29 August 1950
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	11 August 1954
Georgia	11 October 1993 [a]
Kazakstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	3 May 1954
Tajikistan	-
Turkmenistan	-
Ukraine	15 November 1954
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

12. Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	12 October 1992 [b]
Slovenia	6 July 1992 [b]
The former Republic of Macedonia	18 January 1994 [b]
Yugoslavia	9 June 1970

Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	8 May 1969
Georgia	-
Kazakstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	26 January 1993 [a]
Russian Federation	22 April 1969
Tajikistan	-
Turkmenistan	-
Ukraine	19 June 1969
Uzbekistan	-
Czech Republic	22 February 1993 [b]
Slovakia	28 May 1993 [b]

13. International Convention on the Suppression and Punishment of the Crime of Apartheid

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [b]
Croatia	12 October 1992 [b]
Slovenia	6 July 1992 [b]
The former Republic of Macedonia	18 January 1994 [b]
Yugoslavia	1 July 1975
Armenia	23 June 1993 [a]
Azerbaijan	-
Belarus	2 December 1975
Georgia	-
Kazakstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	26 November 1975
Tajikistan	-
Turkmenistan	-
Ukraine	10 November 1975
Uzbekistan	-

Czech Republic	22 February 1993 [s]
Slovakia	28 May 1993 [s]

14. International Convention against Apartheid in Sports

	Date of receipt of the instruments
Bosnia and Herzegovina	1 September 1993 [s]
Croatia	12 October 1992 [s]
Slovenia	-
The former Republic of Macedonia	-
Yugoslavia	22 December 1989
Armenia	-
Azerbaijan	-
Belarus	1 July 1987
Georgia	-
Kazakstan	-
Kyrgyzstan	-
Estonia	21 October 1991 [a]
Latvia	14 April 1992 [a]
Lithuania	-
Republic of Moldova	-
Russian Federation	11 June 1987
Tajikistan	-
Turkmenistan	-
Ukraine	19 June 1987
Uzbekistan	-
Czech Republic	22 February 1993 [s]
Slovakia	-

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a: accession
s: succession